



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

APR 9 2012

Susan Jablonski, P. E., Director
Radioactive Materials Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application for Exemption of Portions of the Fusselman Formation, Montoya Group and El Paso Group in El Paso County, Texas

Dear Ms. Jablonski:

This letter is in response to the referenced application received by EPA on February 27, 2012. A review of the application is ongoing. However, in the transmittal letter to that application TCEQ requested exemption under the criterion at 40 CFR 146.4 (c), which allows for a 45 day automatic approval process. Although the review is not yet complete, we have questions at this time. Therefore we are submitting this letter to inform you of our concerns and recognize that this request for information concludes the automatic approval process.

Our concerns require a better understanding between the data in Table 2 and Appendix C. Table 2 reflects the native water quality analysis for each existing injection well and the projected water quality analysis in the receiving aquifers at the well sites after 50 years of injection. Appendix C reflects the analysis of the current non-diluted concentrate to be injected upon exemption of the aquifers. A comparison of the same parameters in Table 2 and Appendix C indicates some parameter's concentrations will exceed the existing water quality concentrations and the non-diluted concentrate's concentrations after 50 years of injection. We ask for a resolution to this apparent discrepancy.

Should you or your staff have any questions or wish to discuss this matter, please contact Mr. Philip Dellinger, Chief of the Ground Water/UIC Section, at (214) 665-8324. Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads "Stacey B. Dwyer".

Stacey B. Dwyer, P.E.
Associate Director
Source Water Protection Branch

cc: Ben Knappe, TCEQ